IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No.8083 of 2004

Shree Saptashringi Jeep Chalak
Malak Sanghatana Nasik District ..Petitioner

vs.

1. State of Maharashtra & Anr. ..Respondents

Shri V.Z.Kankaria for petitioner.
Shri N.P.Deshpande, A.G.P. for respondents.

CORAM: A.P.SHAH AND
S.C.DHARMADHIKARI JJ
13th December,2004

P.C.

1. Heard Advocates.

2. The petitioner is an Association of Jeep Operators in Nashik District. Initially the State Transport Authority vide Resolution No. 22 of 2002 banned granting of permits to Jeeps. Lateron the State Transport Authority reconsidered the issue and the said ban was lifted subject to certain conditions. The said decision of the State Transport Authority is incorporated in Resolution No. 22 of 2002. The petitioner is seeking to challenge only two conditions. First condition is pertaining to ban of Jeeps which are more than 8 years old. It appears that the decision to ban

more than 8 years old Jeeps for the purpose of contract carriage was based on the judgment and order of this Court in O.S. Writ Petition No.1762 of 1994 dated 17th October, 2001. In that petition which was preferred by the Smoke Affected Residents Forum against the Municipal Corporation of Greater Bombay and others , the Division Bench had issued certain directions with a view to control and reduce auto emission from motor vehicles plying in the city of Mumbai. Obviously the said decision has no relevance as far as the vehicles plying outside city of Mumbai are concerned. Therefore, the decision of the State Transport Authority to ban more than 8 years old Jeeps cannot be sustained. We direct the State Transport Authority to reconsider the issue relating to age of vehicle and take a fresh decision in accordance with law.

3. The other condition is with regard to the permission to be given to a vehicle having maximum sitting capacity upto six. The learned A.G.P. has submitted that the vehicles having sitting capacity of more than six are not eligible to get Motor Cab Permit as they have to obtain Maxi Cab Permit as defined under sec.2(22) of the Motor Vehicles Act. The State Govt. has taken a policy decision not to

grant Maxi Cab Permits to anyone in the State of Maharashtra. In view of the policy decision it is not possible to accept the challenge of the petitioner to the condition relating to the sitting capacity.

4. In the result the petition is partly allowed. The State Transport Authority is directed to reconsider the condition regarding the age of the vehicle in accordance with law within a period of two months from today.